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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

See THE American INSTITUTE OF PHARMACEUTICAL SCIENCES, INC., et al., v. THE NATIONAL MEDICAL EXAMINERS, et al., 1975-2 U.S.L.W. (2d) 22, 23, 23 C.F.R. § 1.114 of the above-identified application.

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.14. The application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB-29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIA. For Changes to the Examination and Provisions/ Application Practice, Informal Rule, 65 Fed. Reg. 14865 (July 10, 2000), or Office Guide (for 11, 2002), which established RCE practice.

Express Mail No.	
Application Number	09/324,459
Filing Date	June 2, 1999
First Named Inventor	John HENITS
Group Art Unit	2642
Examiner Name	Benny Quoc Tieu
Attorney Docket Number	009740-0031-999

# 13

<b>Submission required under 37 C.F.R. § 1.114</b>	
a.	<ul style="list-style-type: none"> <li><input type="checkbox"/> Previously submitted           <ul style="list-style-type: none"> <li><input type="checkbox"/> Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____ (Any unentered amendment(s) referred to above will be entered).</li> <li><input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____</li> <li><input type="checkbox"/> Other _____</li> </ul> </li> </ul>
b.	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Enclosed           <ul style="list-style-type: none"> <li><input type="checkbox"/> Amendment/Reply</li> <li><input type="checkbox"/> Affidavit(s)/Declaration(s)</li> <li><input checked="" type="checkbox"/> Information Disclosure Statement (IDS)</li> <li><input type="checkbox"/> Other _____</li> </ul> </li> </ul>
2.	<b>Miscellaneous</b>
a.	<ul style="list-style-type: none"> <li><input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.170 required)</li> <li><input type="checkbox"/> Other _____</li> </ul>
3.	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> <b>Fees</b> The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed</li> <li><input checked="" type="checkbox"/> The Director is hereby authorized to charge the following fees, or credit any overpayments, to Pennie &amp; Edmonds LLP Deposit Account No. 16-1150:           <ul style="list-style-type: none"> <li>i. <input checked="" type="checkbox"/> RCE fee required under 37 C.F.R. § 1.17(e), estimated to be \$ <u>740</u></li> <li>ii. <input type="checkbox"/> Extension of time fee required under 37 C.F.R. §§ 1.136 and 1.17, estimated to be \$ _____ for a _____ month extension, the request for which is being made herewith</li> <li>iii. <input type="checkbox"/> Other _____</li> </ul> </li> <li><input type="checkbox"/> Check in the amount of \$ _____ enclosed</li> <li><input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed)</li> </ul>

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Edmond Bannon	Registration No. (Attorney/Agent)
		31,110
Signature		Date
		July 3, 2002

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or by facsimile transmitted to fax no. 1-703-305-6816 to the U.S. Patent and Trademark Office on the date indicated below.

Name (Print/Type)	Edmond Bannon	Registration No. (Attorney/Agent)
		31,110
Signature		Date
		July 3, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.** SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

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